

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

NIKKI COSHOW, as guardian of)	
BEVERLY WILLIAMS,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-24-1090-SLP
)	
PF Crystal Park SNF OPS, LLC, et al.,)	
)	
Defendants.)	

ORDER

Before the Court is Plaintiff’s Unopposed Motion for Substitution of Party [Doc. No. 27]. Plaintiff requests that Nikki Coshow, as Personal Representative of the Estate of Beverly Ann Williams, be substituted for Nikki Coshow, as guardian of Beverly Williams as the plaintiff in this action. The Court previously stayed this action pending a proper substitution. *See* Order dated March 24, 2025 [Doc. No. 26]. Upon review, and noting that Defendants do not oppose the substitution, Plaintiff’s Motion is GRANTED.¹


¹ Under Rule 25(a)(3), both a suggestion of death and a motion to substitute must be served on parties *and nonparties*. As to the latter, the Tenth Circuit has construed nonparties as “the successors or representatives of the deceased party’s estate.” *See Grandbouche v. Lovell*, 913 F.2d 835, 837 (10th Cir. 1990). Here, the record does not reflect service on any nonparty as to either the Statement of Death Upon the Record [Doc. No. 21] or the pending Motion. Nonetheless, the Court finds the purpose of Rule 25’s service requirements has been satisfied as appropriate action has been taken to make a substitution for the deceased party by the personal representative of her estate, Nikki Coshow. *See, e.g., Baker for Baker v. Chin*, No. 23-CV-2103-DDC-TJJ, 2023 WL 5152475 at *2 (D. Kan. Aug. 10, 2023) (granting opposed motion for substitution notwithstanding failure to serve nonparties where the administrator of the estate of the deceased had moved for substitution). Accordingly, the Court finds, under the particular circumstances of this case, that any failure to comply with Rule 25’s service requirements does not preclude granting the Motion for Substitution.

IT IS THEREFORE ORDERED that Plaintiff's Unopposed Motion for Substitution of Party [Doc. No. 27] is GRANTED. "Nikki Coshow, as the Personal Representative of the Estate of Beverly Ann Williams" is substituted for "Nikki Coshow, as guardian of Beverly Williams" as the plaintiff in this action. The Clerk of Court is directed to reflect this substitution in the docket and all future filings shall reflect the substitution in the case style.

IT IS FURTHER ORDERED that the stay entered in this action on March 24, 2024 is lifted and Plaintiff's Motion to Compel and Brief in Support [Doc. No. 19] is reinstated. Defendants shall respond to the Motion to Compel within fourteen (14) days of the date of this Order, or by May 6, 2025.

IT IS FURTHER ORDERED that counsel for Plaintiff shall file an Entry of Appearance on behalf of the substituted Plaintiff within seven (7) days of the date of this Order.

IT IS SO ORDERED this 22nd day of April, 2025.



SCOTT L. PALK
UNITED STATES DISTRICT JUDGE